

REMARKS

The Applicant has thoroughly considered the Examiner's remarks and has prepared this Amendment in light of the Official Action. In response to the Examiner's objections, the Applicant has amended the specification and submitted a corrected FIG. 4 to comply with 37 CFR 1.84(p)(5). Claims 15 – 19 were cancelled. Claims 1 – 14 remain in the application.

The following remarks will follow the order set forth in the Official Action.

Specification

The specification was objected to based upon an inconsistency in the use of reference number "17" at page 13. In particular, in one instance on this page, the number "17" was erroneously used in connection with the hub instead of the mating detail. In response, the Applicant has amended the specification to correct this defect. Accordingly, it is respectfully requested that this objection be withdrawn.

Drawings

The drawings were objected to for failing to include all reference numbers. In particular, reference number 64, denoting one end of the spring, was omitted. In response, the Applicant has submitted new FIG. 4, which includes the omitted reference number. Accordingly, it is respectfully requested that this objection be withdrawn.

Rejections under 35 USC §102

Claims 1-5, 8-12 and 15-17 were rejected under 35 USC §102 as anticipated by DeBush. In making this rejection, it was asserted, among other things, that DeBush included

the hub claimed in claims 1 and 8. For the following reasons, the Applicant respectfully disagrees.

The hub 42, which is part of the vane assembly, is shown in FIG. 4, and described within the specification as a separate and distinct element into which the post is positioned. Conversely, the pin 213 of the DeBush reference is fixed to the bottom of the housing and fails to engage any hub, either adjustable or non-adjustable. Rather, the spring is disposed around the pin and is fixed within a slot in the bottom of the housing. Accordingly, DeBush does not include the claimed hub and, therefore, cannot anticipate independent claims 1 or 8, or claims 2 – 5 and 9 – 12, which depend therefrom.

Further, it is asserted that DeBush does not render the Applicant's claims obvious, either alone, or in combination with Edwards. Neither DeBush nor Edwards discloses a spirometer having a hub and neither makes any suggestion that the inclusion of such a hub would be advantageous. Accordingly, it is asserted that claims 1 and 8, and claims 2 – 7 and 9 – 14, which depend from claims 1 and 8 respectively, are unobvious in light of these references.

Rejections under 35 USC §103

As independent claims 1 and 8 have been asserted to be novel and unobvious, the Applicant asserts that the rejections under 35 USC §103 are rendered moot. Therefore, no further response is necessary with regard to these rejections.

Conclusion

It is felt that a full and complete response has been made to the Official Action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, she is invited to phone applicant's attorney.

Respectfully submitted,



Date June 6, 2002

Michael J. Persson
Attorney for Applicant
Registration No. 41,248

Lawson, Philpot & Persson, P.C.
67 Water Street, Suite 110
Laconia, NH 03246
Phone: 603-528-2900
Fax: 603-528-1117
Email: mike@lawson-philpot.com

Specification, page 13, first full paragraph; with indicia of amendment

"As shown in FIGS. 2 and 4, the preferred vane assembly 30 is disposed within the housing 12 and includes a vane 34, a post 32 to which the vane 34 is fixedly attached, and an adjustable hub 42 that is engaged with the bottom portion 16 of the housing 12 via a mating detail 17. The adjustable hub 42 is dimensioned to accept and secure one end 62 of a torsion spring 60 (shown in FIG. 4) and to press fit within an opening and corresponding mating detail 17 in the bottom portion 16 of the housing 12. In the preferred embodiment, the mating detail 17 includes a plurality of ribs 46 about its inner circumference in order to enhance the press fit with the hub ~~47~~ 42. However, in other embodiments, the outer circumference of the adjustable hub 42 includes ribs, while in still other embodiments the mating detail 17 and hub 42 are substantially smooth. The bottom of the adjustable hub 42 will typically include a slot 43 to accept a screwdriver, allen wrench, or the like, which allows the location of the end 62 of the torsion spring 60, and consequently the position of the vane assembly 30, to be adjusted once the hub 42 has been press fit within the mating detail 17. "